

FILED

UNITED STATES DISTRICT COURT NOV 04 2015

for

WESTERN DISTRICT OF TEXAS

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Billy Don Lunsford Case Number: DR-09-CR-446(01)  
Name of Sentencing Judicial Officer: Honorable Alia Moses, United States District Judge  
Date of Original Sentence: November 24, 2009  
Original Offense: 21 U.S.C. § 841 – Possession With Intent To Distribute More Than 100 Kilograms of Marijuana  
Original Sentence: 72 months imprisonment, to be followed by a 5 year term of supervised release  
Type of Supervision: Supervised Release Date Supervision Commenced: July 15, 2013  
Assistant U.S. Attorney: Richard Kelly Blackburn Defense Attorney: Sostenes Mireles II

**PREVIOUS COURT ACTION**

On May 1, 2014, a Report on Offender Under Supervision was submitted to the Court to report that the offender had tested positive for amphetamines. No action was requested to allow the offender an opportunity to continue in substance abuse treatment. The Court took no action at that time.

On December 11, 2014, a Report on Offender Under Supervision was submitted to the Court to report that the offender had tested positive for methamphetamine and was delinquent on his fine. No action was requested to allow the offender to receive a mental health assessment and regain compliance with his fine payments. The Court took no action at that time.

**PETITIONING THE COURT**

☒ The issuance of a warrant

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance
1.	<b><u>Special Condition:</u></b> The defendant shall abstain from the use of alcohol and/or all other intoxicants during the term of supervision.
2.	<b><u>Mandatory Condition No. 2:</u></b> The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

3. **Standard Condition No. 7:** The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.

The offender provided a urine specimen on March 20, 2014, which subsequently tested positive for amphetamines. The Court was notified of this violation on May 1, 2014.

The offender provided a urine specimen on November 14, 2014, which subsequently tested positive for methamphetamine. The Court was notified of this violation on December 11, 2014.

The offender provided a urine specimen on September 14, 2015, which subsequently tested positive for cocaine. On September 26, 2015, the specimen was confirmed positive for cocaine.

Additionally, the offender failed to attend scheduled urinalysis testing on the following dates: July 1, 2015, and August 17, 2015.

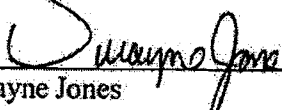
**U.S. Probation Officer Recommendation:** On July 15, 2013, the offender began his term of supervised release in the Austin Division. He reported to the U.S. Probation Office where his conditions of supervised release were read and explained to him, and he signed acknowledging an understanding of these conditions.

On October 10, 2013, the offender was referred to our federal treatment provider to address his substance abuse history. Lunsford initially was resistant to treatment; however, following a mental health assessment and medication, his attitude and participation appeared to improve. Although treatment services continued for the offender, Lunsford failed to maintain his sobriety. Therefore, it is respectfully recommended a warrant be issued for the offender and his term of supervised release be revoked. This issue is deferred to the Court for ruling.

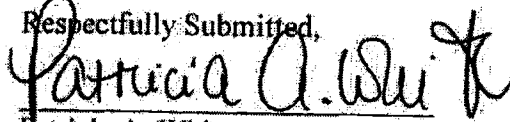
The term of supervision should be

- ☒ revoked. (Maximum penalty: 3 years imprisonment; Life supervised release;  
and payment of any unsatisfied monetary sanction previously imposed)

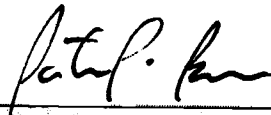
Approved:

  
Dwayne Jones  
Supervising U.S. Probation Officer

Respectfully Submitted,

  
Patricia A. Whitson  
U.S. Probation Officer,  
Date: October 7, 2015  
Telephone: 512-916-5761, ext. 8764

Approved:

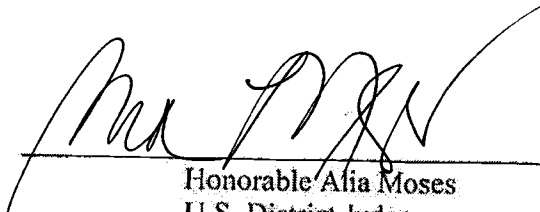
  
Patrick Burke  
Assistant U.S. Attorney

cc: Victor Calderon  
Assistant Deputy Chief U.S. Probation Officer

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THE COURT ORDERS:

- ☐ No action.  
☒ The issuance of a WARRANT. Bond is set in the amount of \$retain cash/surety with supervision  
by the United States Probation Office to continue as a condition of release.  
☐ The issuance of a SUMMONS.  
☐ Other \_\_\_\_\_

  
Honorable Alia Moses  
U.S. District Judge

11-4-15

Date